

PTO/SB/21 (09-04)

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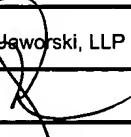
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Total Number of Pages in This Submission	Attorney Docket Number	DEBE:005US
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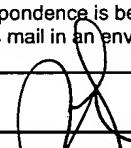
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski, LLP		
Signature			
Printed name	Steven L. Highlander		
Date	May 11, 2005	Reg. No.	37,642

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Martin Sagasser et al.

Serial No.: 10/030,386

Filed: May 16, 2002

For: PLANTS WITH MODIFIED GENE  
EXPRESSION

Group Art Unit: 1638

Examiner: Russell Kallis

Atty. Dkt. No.: DEBE:005US/SLH

**RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 9, 2004**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated April 20, 05 for which the date for response is May 20, 2005.

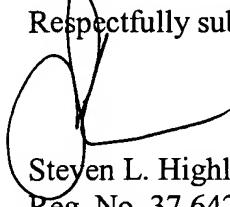
It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, to prosecute claims 13-22, 24-27, 29-30, *i.e.*, the Group IV claims and SEQ ID NO: 4. However,

applicants traverse the selection of only SEQ ID NO: 4 and would request that examiner consider searching a nucleic acid SEQ ID NO: 2 as well, given the structural similarities between the two.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642

Attorney for Applicants

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(512) 536-3184

Date: May 11, 2005